

206TH DISTRICT COURT

**CASE SUMMARY****CASE NO. C-5189-17-D**

Lidia Maricruz Saucedo Rodriguez  
 VS.  
 Merced Arellano Avalos and Valley Bulls Energy, LLC

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§  
§  
§

Location: 206th District Court  
 Judicial Officer: Reyna, Rose G.  
 Filed on: 11/27/2017

**CASE INFORMATION**

Case Type: **Injury or Damage - Motor Vehicle (OCA)**

**DATE****CASE ASSIGNMENT****Current Case Assignment**


Case Number C-5189-17-D  
 Court 206th District Court  
 Date Assigned 11/27/2017  
 Judicial Officer Reyna, Rose G.


**PARTY INFORMATION****Plaintiff****Saucedo Rodriguez, Lidia Maricruz***Lead Attorneys***Nava, Richard Jason***Retained*


713-661-9900(W)

**Defendant****Avalos, Merced Arellano****Valley Bulls Energy, LLC****DATE****EVENTS & ORDERS OF THE COURT****INDEX**

02/27/2018 **Tickler (5:30 PM) (Judicial Officer: Reyna, Rose G.)**  
*REVIEW FILE*

11/28/2017  Citation Issued  
 Party: Defendant Valley Bulls Energy, LLC  
*HAND DELIVERED TO:*

11/28/2017 **Citation**  
 Valley Bulls Energy, LLC  
 Served: 12/05/2017  
 Anticipated Server: Civil Processor  
 Actual Server: Civil Processor  
 Return Date/Time: 12/18/2017

11/27/2017  Original Petition (OCA)-  
*JURY DEMAND AND REQUEST FOR DISLCOSURE*

**DATE****FINANCIAL INFORMATION**

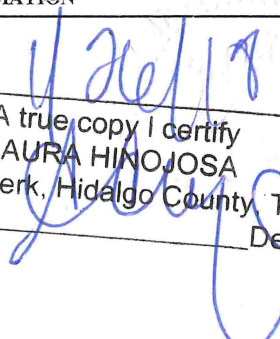
**Plaintiff** Saucedo Rodriguez, Lidia Maricruz  
 Total Charges  
 Total Payments and Credits  
**Balance Due as of 1/26/2018**

Date

357.00

357.00

0.00

A true copy I certify  
 LAURA HINOJOSA  
 District Clerk, Hidalgo County, Texas  
 By  Deputy#7

**EXHIBIT 1**

**NOTICE: Pursuant to TRCP 126: Statement of Inability to Afford Payment of Court Costs or an Appeal Bond filed = NO**

**FILED**  
At 11:00 O'CLOCK PM  
DEC 18 2017

**C-5189-17-D**  
**206TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**  
**CITATION**  
**THE STATE OF TEXAS**  
By Laura Hinojosa Deputy #7

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

**VALLEY BULLS ENERGY, LLC**  
**AGENT: JAIME LOPEZ**  
**1316 E. MINNESOTA**  
**PHARR, TX 78577**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFFS ORIGINAL PETITION, JURY DEMAND AND REQUEST FOR DISCLOSURE** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rose G. Reyna, 206th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 27th day of November, 2017 and a copy of same accompanies this citation. The file number and style of said suit being C-5189-17-D,

**LIDIA MARICRUZ SAUCEDO RODRIGUEZ VS. MERCED ARELLANO**  
**AVALOS, VALLEY BULLS ENERGY, LLC**

Said Petition was filed in said court by: **ATTY. RICHARD JASON NAVA, 4909 BISSONNET ST., STE. 100, BELLAIRE, TX 77401.**

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 28th day of November, 2017.

**LAURA HINOJOSA, DISTRICT CLERK**  
**100 N. CLOSNER, EDINBURG, TEXAS**  
**HIDALGO COUNTY, TEXAS**

Armando Cantu

**ARMANDO CANTU, DEPUTY CLERK**



Date 1/26/18  
A true copy I certify  
**LAURA HINOJOSA**  
District Clerk, Hidalgo County, Texas  
By [Signature] Deputy #7

**C-4999-17-D**  
**OFFICER'S RETURN**

Came to hand on 28 of November, 2017 at 4:00 o'clock P.m. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the Original (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Valley Bulls Energy LLC</u>	<u>12/5/17</u>	<u>3:30pm</u>	<u>1316 E. Minnesota, Pharr, TX</u>

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ \_\_\_\_\_  
 miles .....\$ \_\_\_\_\_

G. J. [Signature]  
 DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
 CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Eldo Valdez, my date of birth is 12/16/81 and the address is 2004 Alexander Dr., Pharr, TX, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 5 day of December, 2017.

[Signature]  
 Declarant"

8/31/2020 12698  
 If Certified by the Supreme Court of Texas  
 Date of Expiration / SCH Number

Cause Number C-5189-17-D

LIDIA MARICRUZ AND	§	IN THE DISTRICT COURT
SAUCEDO RODRIGUEZ	§	
	§	
VS	§	
	§	206 <sup>TH</sup> JUDICIAL DISTRICT COURT
MERCED ARELLANO AVALOS	§	
AND	§	
VALLEY BULLS ENERGY, LLC	§	
	§	HIDALGO COUNTY, TEXAS

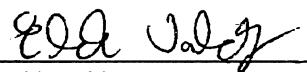
STATE OF TEXAS	§	
	§	AFFIDAVIT
COUNTY OF HIDALGO	§	

Before me, the undersigned authority, on this day personally appeared Elda Valdez who after being duly sworn did upon oath state the following:

I am over the age of 18 years and I am fully competent to testify to matters stated in this affidavit.

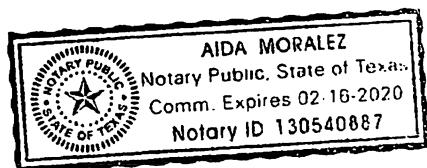
I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.


On December 06, 2017, I served VALLEY BULLS ENERGY, LLC, by serving AGENT: JAIME LOPEZ a CITATION, PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND REQUEST FOR DISCLOSURE at 1316 E MINNESOTA RD., PHARR, TEXAS.

  
Elda Valdez

Before me, a notary public, on this day personally appeared Elda Valdez known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared under oath that the statements therein contained are true and correct.

Given under my hand and seal of office this 14th day of December 2017



  
Notary Public

Electronically Filed  
11/27/2017 5:48 PM  
Hidalgo County District Clerks  
Reviewed By: Alexis Bonilla

CAUSE NO. C-5189-17-D

LIDIA MARICRUZ  
SAUCEDO RODRIGUEZ

V.

MERCED ARELLANO AVALOS  
and  
VALLEY BULLS ENERGY, LLC

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND  
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, LIDIA MARICRUZ SAUCEDO RODRIGUEZ, Plaintiff in the above entitled and numbered cause, complaining of and against MERCED ARELLANO AVALOS and VALLEY BULLS ENERGY, LLC, Defendants herein, and for causes of action would respectfully show unto the Court the following:

**I.**

**DISCOVERY CONTROL PLAN**

1.0 Discovery is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure 190.

**II.**

**PARTIES**

2.0 Plaintiff is a resident of Hidalgo County, Texas.

2.1 Defendant, **MERCED ARELLANO AVALOS**, is an individual residing in Mexico at 202 Privado Tolum Fruccionaiento, Reynosa, Tamualipas, Mexico 42870. Service on this Defendant is not necessary at this time.

2.2 Defendant, **VALLEY BULLS ENERGY, LLC**, is a Domestic Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its

Plaintiff's Original Petition

Date

1/26/18  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
3y Deputy#7

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Registered Agent, Jaime Lopez, 1316 E. Minnesota, Pharr, Texas 78577 or wherever he may be found. Service on this Defendant is necessary at this time.

**III.  
JURISDICTION & VENUE**

3.0 Venue is proper in Hidalgo County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.001 *et seq.* because all or a substantial part of the events or omissions giving rise to the claims arose in Hidalgo County, Texas. In addition, Defendant's principal place of business is located in Hidalgo County, Texas. This Court has jurisdiction over the parties and subject matter hereof. The amount in controversy exceeds the minimum jurisdictional limits of this Court.

**IV.  
FACTS**

4.0 On or about August 12, 2017, Plaintiff was lawfully driving in a 2003 Chevrolet Impala, traveling northbound on Interstate 69C Service Road, a road located in Hidalgo County, Texas. At the time in question, Defendant **MERCED ARELLANO AVALOS**, was driving a 2002 Kenworth Tractor trailer, traveling in the same direction. Defendant made a wide right turn, striking Plaintiff's vehicle.

4.1 At such time, Defendant **MERCED ARELLANO AVALOS** was working in the course and scope of his employment with **VALLEY BULLS ENERGY, LLC**.

**V.  
NEGLIGENCE OF DEFENDANTS**

**A. MERCED ARELLANO AVALOS**

5.0 At the time of the accident made the basis of this suit, Defendant, **MERCED ARELLANO AVALOS**, was operating the aforementioned vehicle in a negligent and careless manner in the following respects which, among others, may be shown at the trial of this cause:

1. In failing to keep a proper lookout;

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2. Driver inattention;
3. Turned improperly-wide right; and
4. In failing to operate the vehicle in a reasonable and prudent manner.

5.1 Each of these acts and omissions, singularly or in combination with others, constitute negligence which was the proximate cause of this incident, and the injuries sustained by the Plaintiff. Additionally, Defendant's acts or omissions in violating the Texas Transportation Code as listed above constitute negligence per se.

**B. VALLEY BULLS ENERGY, LLC**

5.2 The above-described collision was proximately caused by the negligence of Defendant **VALLEY BULLS ENERGY, LLC** as a result of its negligent entrustment of the subject vehicle to Defendant **MERCED ARELLANO AVALOS** when it knew or should have known that he was not a safe driver.

5.3 Defendant **MERCED ARELLANO AVALOS** was an agent and/or servant of Defendant **VALLEY BULLS ENERGY, LLC**. As such, Defendant **VALLEY BULLS ENERGY, LLC** is responsible for the conduct of Defendant **MERCED ARELLANO AVALOS** due to the master-servant relationship which existed, and under the doctrine of Respondeat Superior.

**VI.  
DAMAGES**

6.0 Said elements of damage which Plaintiff seeks to recover from Defendants include compensation for the following:

1. The physical pain and mental anguish sustained by Plaintiff from date of injury to the time of trial;
2. The physical pain and mental anguish that Plaintiff will suffer in the future;
3. Loss of earnings sustained by Plaintiff from date of injury to time of trial;
4. Loss of earnings and earning capacity reasonably anticipated to be suffered by

**C-5189-17-D**

Plaintiff in the future;

5. Reasonable and necessary medical expenses incurred by Plaintiff in the treatment of Plaintiff's injuries from date of injury to time of trial;
6. Reasonable and necessary medical expenses reasonably anticipated to be sustained by Plaintiff in the future for treatment of Plaintiff's injuries;
7. Past and future physical disfigurement; and
8. Past and future physical impairment.

As such, Plaintiff affirmatively pleads that she seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.

**VII.  
REQUEST FOR JURY TRIAL.**

7.0 Plaintiff requests a jury trial.

**VIII.  
ALTERNATIVE PARAGRAPH NO. 1**

8.0 In the alternative, Plaintiff would show that if any injury and/or condition from which she currently suffers was pre-existing, then such condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

**IX.  
ALTERNATIVE PARAGRAPH NO. 2**

9.0 In the alternative, Plaintiff would show that if she suffers from any subsequent injury and/or condition, then such injury and/or condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

**X.  
REQUEST FOR DISCLOSURE**

10.0 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are hereby requested to disclose, within fifty (50) days of service of this document, the information or material described



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below. Please serve your responses on counsel representing this Plaintiff, and produce true and correct copies of all documents and other tangible items with your responses, in accordance with Rule 194.4.

10.1 Plaintiff requests disclosure of the following, pursuant to Rules 194.2(a) through 194.2(l):

- (a) the correct names of the parties to the lawsuit;
- (b) the name, address, and telephone number of any potential parties;
- (c) the legal theories and, in general, the factual bases of Defendants' claims or defenses;
- (d) the amount and any method of calculating economic damages;
- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) for any testifying expert:
  - (1) the expert's name, address, and telephone number;
  - (2) the subject matter on which the expert will testify;
  - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of Defendant, documents reflecting such information;
  - (4) if the expert is retained by, employed by, or otherwise subject to the control of Defendant:
    - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
    - (B) the expert's current resume and bibliography;
- (g) any discoverable indemnity and insuring agreements;
- (h) any discoverable settlement agreements;
- (i) any discoverable witness statements;
- (j) in a suit alleging physical or mental injury and damages from the occurrence that is

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Hidalgo County District Clerks  
Reviewed By: Alexis Bonilla

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the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;

- (k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.
- (l) the name, address, and telephone number of any person who may be designated as a responsible third party.

**XI.  
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that these Defendants be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recovers from said Defendants, jointly and severally, a sum over \$200,000.00 but not more than \$1,000,000.00, costs of Court, pre-judgment and post-judgment interest at the legal rate, and demand for judgment for all other relief to which the Plaintiff deemed entitled.

Respectfully submitted,



**RICHARD JASON NAVA**  
SBN: 24083552  
4909 Bissonnet St., Suite 100  
Bellaire, Texas 77401  
713/661-9900  
713/666-5922 Facsimile  
Email: [jnava@stern-lawgroup.com](mailto:jnava@stern-lawgroup.com)

**ATTORNEY FOR PLAINTIFF**